

Appl. No. 10/009,579  
Amdt. dated Nov. 5, 2004  
Reply to Office Action of Sept. 7, 2004

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claim 1 (original): An isolated and/or recombinant nucleic acid comprising a tissue specific promoter or functional fragment thereof allowing for expression of a nucleic acid of interest operably linked to said promoter or functional fragment thereof in a cancer cell wherein said expression in said cancer cell is essentially carcinoma selective.

Claim 2 (original): A nucleic acid according to claim 1 wherein said carcinoma comprises lung carcinoma.

Claim 3 (previously presented): A nucleic acid according to claim 1 comprising a nucleic acid or functional fragment thereof as shown from about position -778 to about position -422 in figure 1 or a nucleic acid functionally equivalent thereto.

Claim 4 (original): A nucleic acid according to claim 3 derived from a human.

Claim 5 (previously presented): A nucleic acid according to claim 1 further comprising a nucleic acid of interest.

Claim 6 (previously presented): A nucleic acid according to claim 1 further comprising an inducible or suppressible promoter or functional fragment thereof.

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Claim 7 (previously presented): A nucleic acid according to claim 1 further comprising a suicide gene or functional fragment thereof.

Claim 8 (previously presented): A vector comprising a nucleic acid according to claim 1.

Claim 9 (previously presented): A gene delivery vehicle comprising a nucleic acid according to claim 1.

Claim 10 (previously presented): A host cell comprising a nucleic acid according to claim 1.

Claim 11 (original): An experimental animal comprising a cell according to claim 10.

Claim 12 (previously presented): Use of a nucleic acid according to claim 1.

Claim 13 (original): Use according to claim 12 wherein said medicament is for the treatment of cancer.

Claim 14 (previously presented): A medicament comprising a nucleic acid according to claim 1.

Claim 15 (previously presented): A method for the treatment of cancer comprising administering to a patient a nucleic acid according to claim 1.

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Claim 16 (previously presented): A method for evaluating a possible treatment of disease comprising testing such treatment on a host cell according to claim 10.

Claim 17 (original): A method according to claim 16 wherein said treatment comprises treatment of disease comprising non-squamous epithelium.

Claim 18 (previously presented): A method according to claim 16 wherein said disease comprises carcinogenesis.